

VILLAGE OF LILY LAKE

ORDINANCE NO. 2019-09

AN ORDINANCE AMENDING THE VILLAGE CODE

(Chapter 7—Public Safety, Subchapter 8—Cannabis Business Prohibition)

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF LILY LAKE**

August 26, 2019

Published in pamphlet form by authority of the President and Board of Trustees of
the Village of Lily Lake, Kane County, Illinois

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(Chapter 7—Public Safety, Subchapter 8—Cannabis Business Prohibition)

Whereas, the village has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

Whereas, this ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, that authorizes the village to prohibit adult-use cannabis business establishments; and

Whereas, the village has determined that the operation of cannabis business establishments would have adverse impacts upon the health, safety and welfare of its residents, and create additional costs, burdens and impacts upon law enforcement and regulatory operations of the village;

NOW, THEREFORE, BE IT ORDAINED by the president and the board of trustees of the village of Lily Lake, Kane County, Illinois, as follows:

§ 1. Recitals

The facts and statements contained in the preamble to this ordinance are found to be true and correct and are adopted as part of this ordinance.

§ 2. Amending Village Code

Chapter 7—Public Safety, as amended, is further amended by adding the following as Subchapter 8:

SUBCHAPTER 8—CANNABIS BUSINESS PROHIBITION

§ 781. Definitions

In this subchapter—

(1) *Act* means the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and the regulations promulgated thereunder.

(2) *adult-use cannabis business establishment* means an adult-use cannabis cultivation center, adult-use cannabis craft grower, adult-use cannabis processor, adult-use cannabis infuser, adult-use cannabis dispensary, or adult-use cannabis transporter.

(3) *adult-use cannabis craft grower* means a facility operated by a person licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform any other activities necessary to make cannabis available for sale at a dispensing organization or use at a processing organization, according to the Act.

(4) *adult-use cannabis cultivation center* means a facility operated by a person licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform any other activities necessary to provide cannabis and cannabis-infused products to licensed cannabis business establishments, according to the Act.

(5) *adult-use cannabis dispensary* means a facility operated by a person licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers, or to qualified registered medical cannabis patients and caregivers, according to the Act.

(6) *adult-use cannabis infuser* means a facility operated by a person licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, according to the Act.

(7) *adult-use cannabis processor* means a facility operated by a person licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, according to the Act.

(8) *adult-use cannabis transporter* means a person licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, according to the Act.

(9) *person* means any natural person, firm, corporation, partnership, limited liability company, association, club, society, business, or other organization, and includes any owner, manager, proprietor, and employee of any such person, and any volunteer or agent acting on its behalf.

§ 782. Cannabis business establishments prohibited.

Adult-use cannabis business establishments are prohibited in the village of Lily Lake. No person shall locate, operate, own, suffer, allow to be operated, or aid, abet, or assist in the operation of any adult-use cannabis craft grower, adult-use cannabis cultivation center, adult-use cannabis dispensary, adult-use cannabis infuser, adult-use cannabis processor, or adult-use cannabis transporter within the village.

§ 783. Nuisance declared

The operation of any prohibited adult-use cannabis business establishment within the village is declared to be a nuisance and the village may exercise any remedy available to it to abate such operation.

§ 784. Penalty

A violation of this subchapter is punishable in accordance with § 766 of this code.

§ 3. Severability

If any provision of this ordinance, or the application of any provision of this ordinance, is held unconstitutional or otherwise invalid, such holding will not affect any other provision of this ordinance, or its application, that can be given effect without the unconstitutional or invalid provision or its application.

§ 4. Repealer

Any ordinance or any provision of any ordinance in conflict with the provisions of this ordinance is, to the extent of such conflict, repealed.

§ 5. Effective Date


This ordinance is fully effective after its passage, approval and publication as provided by law.

Adopted on August 26, 2019 pursuant to a roll call vote as follows:

[Signature page follows.]

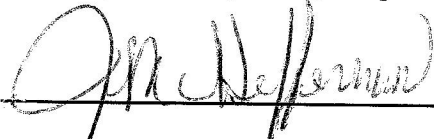
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Damisch	X			
Dell	X			
Diehl	X			
Florian	X			
Walsh	X			
Overstreet				
Totals	6	0	0	0

Approved August 26, 2019.



President

Attested, filed in my office, and published in pamphlet form on August 26, 2019.



Clerk of the Village of Lily Lake, Kane County, Illinois